



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

NORTH AMERICAN REVIEW.

No. CXI.

APRIL, 1841.

ART. I. — *The Journals of each Provincial Congress of Massachusetts in 1774 and 1775, and of the Committee of Safety, with an Appendix, containing the Proceedings of the County Conventions; Narratives of the Events of the Nineteenth of April, 1775; Papers relating to Ticonderoga and Crown Point, and other Documents, illustrative of the early History of the American Revolution.* Published agreeably to a Resolve passed March 10th, 1837, under the Supervision of William Lincoln. Boston. Dutton and Wentworth, Printers to the State. 1838. 8vo. pp. 778.

THE administration of Governor Everett deserves honorable notice, not merely for the fidelity with which he discharged the responsible duties of his office, but for his suggestions concerning the preservation of documents relating to the colonial history of Massachusetts. In the year 1836, pursuant to the authority vested in him by the Legislature, he appointed William Brigham, Counsellor at Law, "Superintendent of the printing and publishing the Laws of the Old Colony." Before the close of that year, the work was completed in a manner which met the Governor's approbation. It is entitled "The Compact, with the Charter and Laws of the Colony of New Plymouth, together with the Charter of the Council at Plymouth; and an Appendix containing the articles of Confederation of the United Colonies of New England,

and other valuable Documents." Fifteen hundred copies were printed in conformity to the vote of the Legislature ; enough to perpetuate this portion of our political history, should the manuscripts, by any casualty, be lost or destroyed.

During the same year another undertaking was commenced, in which the Governor took a great interest ; namely, the collection and arrangement of the papers in the public archives. These, being in manuscript often difficult to be deciphered, and not placed together either with a regard to chronological order, or to similarity of subjects, presented a chaotic mass, frightful to any but a bold and single-hearted antiquary. Such a one was found ; and he has gone on, not only patiently, but joyously, save when his eyes remonstrated, until he has well nigh completed the gathering of these papers, — before scattered like the leaves of the Sibyls, — into large volumes securely bound, each containing kindred matters in chronological order, with full indexes.

In the year 1837, the Governor was authorized by the Legislature to procure the publication of the Journals of each Provincial Congress of Massachusetts. It was at his suggestion that measures were taken for accomplishing this work. Discretion was given to publish also such papers connected with the Journal, "as illustrated the patriotic exertions of the people of the State in the revolutionary contest." The undertaking was committed to a gentleman who was competent to perform it ; and this is demonstrated by the fidelity, sound judgment, and skill, manifested in the work itself. It is not the work of a mere scribe, or a superintendent of the press. It is one which was encumbered with difficulties. Of the first Congress, which convened October 7th, 1774, and continued with some intervals to December 12th, nothing but the bare Journal remains. All the letters, petitions, and various documents have been lost. The Journal of the second Congress was mutilated before it was deposited in the public archives, and the records of the last eight days of the session, namely, from May 21st to May 29th, are missing. The Journal of the third Congress shows that the records of proceedings were made by the secretary with haste unavoidable under the embarrassment of his multifarious duties.

Much, therefore, remained to be supplied by the Editor of the Journal, by means of diligent search. The fruits of his

diligence are manifest in the completing of the Journals where they are defective, and in recovering and restoring many resolutions and papers from contemporary newspapers and publications, and other authentic sources. But the text of the original Journals, he informs us, has been carefully preserved, and the variations and additions are indicated. "Documents elucidating subjects of action or debate have been placed in connection with the proceedings of each Congress." The collecting of these, and giving them their appropriate places, must have been a severe part of his labor ; for which we doubt not he will feel it to be some reward, if the public judge with us, that the value and interest of the work is increased in proportion to the pains thus successfully bestowed upon it.

We propose to explain briefly the occasion of the assembly of delegates who assumed the name "Provincial Congress," and to give some account of the doings of the successive bodies so denominated.

Almost at the beginning of the government of Massachusetts, the freemen, together with the Governor, Deputy Governor, and Assistants, were called "the General Court." This name was given in 1631, the year after Governor Winthrop, with the Deputy Governor and Assistants, arrived with the company by which they were appointed to those offices. In consequence of the increase of population no doubt, a change took place in the government in the year 1635, by which the freemen of the several towns elected representatives to the General Court, instead of assembling in a body. But the same name for the government has stood its ground ; during the period of the original charter, under which the people of the colony chose their own governors ; during the new charter of 1692, by which the governors were appointed by the King ; and during the period which has passed since the adoption of the constitution, by which the "people agreed to form themselves into a free, sovereign, and independent body politic or state, by the name of The Commonwealth of Massachusetts."

The temporary existence of a Provincial Congress sprang from an emergency occasioned by the conflict between the Colony and the British Government. This conflict, however, was not the result of sudden provocation on the one

part, or of feverish excitement on the other. It was a conflict between the pride of dominion in a government acknowledged to be supreme, and the consciousness of civil rights in the breasts of the governed. Ten years before the first Provincial Congress convened, the disputes between the people of Massachusetts and the Parliament of Great Britain had assumed a threatening aspect. At a much earlier period, indeed, it required no very minute observation to perceive the germ of revolution, or of essential change, in the political condition of the people. They were Englishmen of the sternest and most stout-hearted sort ; they felt themselves to be Englishmen ; they prayed fervently for their rights as such ; prayer was followed by prophecy, which in due time was to be fulfilled. When poor and few in number, they submitted indeed to parliamentary enactments deemed oppressive, but not without remonstrance ; always hoping and praying, often it may be believing, that the hearts of their rulers would be changed.

In process of time, after supplications had proved unavailing, or their petitions, if complied with, had been answered with such reservations as made the compliance of little value, they began to *assert* as rights and fundamental principles, what they had before *pleaded* for as common privileges of British subjects. During one of the sessions of the General Court in the year 1765, it was resolved unanimously by the House of Representatives, “ That there are certain essential rights of the British constitution of government, which are founded in the law of God and nature, and are the common rights of mankind.” Among these rights they placed the security of property, which cannot justly be taken from any man without his consent ; and affirmed that on this principle is founded the right of representation in the same body which exercises the power of levying taxes. The power of levying direct or internal taxes, any taxes except reasonable imposts incident to the regulation of maritime commerce, they now denied, as had often been done before ; and they concluded their resolutions with the solemn inference from reasons going before, “ that all acts made by any power whatever, other than the General Assembly of this province, imposing taxes on the inhabitants, are infringements of our inherent and unalienable rights as men and as British subjects.”

Here we have the great principle concerning which the

Colony of Massachusetts and the British Parliament were at constant issue for ten years before hostilities commenced ; to say nothing of the remonstrances of the colony against previous acts imposing taxes. The right to levy taxes at pleasure was never abandoned by Parliament, but was ungraciously avowed, even when its most odious acts were repealed. On the other hand, the right of Parliament to levy taxes in the colony, without the consent of the people by their representatives, was never acknowledged, even when that assumed right was exercised in its least offensive form. The representatives of the people claimed the exclusive power of internal taxation ; they could tolerate a recommendation, and would sometimes comply with it ; but when they chose, they prescribed their own conditions. Sometimes when they granted an excise or internal tax to his majesty, it was with the express reservation that it should be applied for the benefit of the Province.

Foiled in the attempt to raise a revenue by direct taxes, Parliament became exorbitant in its acts prescribing duties and imposts, securing to Great Britain the principal profits of trade, and oppressing the mercantile interests of the Colony. Hence rose the question of the right of Parliament to impose duties for the sole purpose of revenue ; and though the right to regulate trade and the doctrine of the supremacy of Parliament were not denied, yet it was insisted upon, that there must be reasonable limits to that supremacy, and that, under pretence of the regulation of trade, it was not to be rendered worthless. Then came recommendations of a restrictive policy by the representatives of the Province, and non-importation agreements by the merchants, and non-consumption agreements by the people, as expedients for avoiding either forcible resistance or silent submission. Massachusetts, firm and settled as she was in her opinions, thought it time to seek for concert with other colonies in resisting oppression ;—she sought and found it. She was the first colony, in the existing contest, attempted to be overawed by a military force stationed in her capital ; but when called on to furnish companies from her own militia for manning forts, or for other purposes not exactly defined, or inexpedient, she claimed and exercised the right of judgment and decision in the case.

In the midst of all the matters of complaint on the part of the people of Massachusetts, some of which we have cursor-

rily noticed, no threats were mingled with remonstrances. The people and their representatives resolved that while they would not be slaves, they would maintain their ground in the calm spirit of freemen. In times of the greatest excitement they did not, by any public acts or resolutions, hint at the alternative of slavery or forcible resistance, while they expressed their determination, by all lawful means, to maintain their liberties as English subjects.

The embarrassment of the colonial governors, appointed as they were by the crown, and bound as well to sustain the measures of the ministry and Parliament as to promote the well-being of the people of the Colony, was, as may be supposed, truly severe. Yet we can easily conceive of men who might in that office have mediated with some success between the conflicting parties, a course wholly alien from the acts and speeches of Bernard, and Hutchinson, and Gage. As if any attempt to conciliate the people would sully the dignity or endanger the authority of the British Government, they erred grossly in the spirit of dictation, and in the imputation of bad motives and designs, by which their addresses to the representatives were generally characterized. These speeches were met by replies far from soothing to men jealous of their authority, and suspicious of the plans and measures, of those whom they addressed. The ability and pungency of these replies, and, above all, the profound views they contain of constitutional freedom, and the eloquent utterance they give of the resolution and determined will of the people to maintain that freedom, must secure them an exalted and enduring place in the annals of civil liberty.

The time was at hand when the contests between the governors and representatives of the Colony must put an end, for a season, to that form of government called the *General Court*. In September, 1774, precepts were issued by Governor Gage, requiring the several towns to return representatives to the General Court to be held at Salem on the coming 5th of October. But the resolutions passed by the people in county meetings, and the instructions given to the representatives by Boston and some other towns, relating to the disputes between the Colony and the British Government, near the time appointed for the session of the Court, were so adverse to the acts and claims of Parliament, as to induce the Governor to postpone indefinitely the meeting of the repre-

sentatives. His proclamation to that effect was issued on the 28th of September, seven days before the time appointed for the meeting. The General Court had more than once been abruptly prorogued or dissolved, when measures were in progress which were disapproved by the Governor ; but to discharge the representatives from the duty of assembling at the appointed time for which they were expressly elected, in obedience to the will of the chief executive magistrate, was a novelty. Some towns had made no choice, and some members failed to attend in consequence of the Governor's proclamation ; still, ninety representatives met at Salem on the 5th of October. Finding that he adhered to the intention he declared in his proclamation, not to meet the General Court at the time appointed, and that no magistrate appeared who had authority to administer to them the oaths of office, they formed themselves into a Convention on the following day, of which John Hancock was chosen chairman, and Benjamin Lincoln clerk.

A committee was appointed to consider, and report upon the proclamation. The report was submitted on Friday, the succeeding day, and was accepted. After a preamble, stating the circumstances under which they had met, it was resolved, that the conduct of the Governor in preventing the meeting of the General Court "is against the express words as well as true sense and meaning of the Charter, and unconstitutional ; more especially as by Charter his Excellency's power 'to adjourn, prorogue, and dissolve all great and General Courts' doth not take place after said courts shall be appointed, until they have first 'met and convened.'" The second resolution complains of the Governor for alleging that the "Province is in a tumultuous and disordered state," while, on the contrary, the people, even when the constitutional government is attempted to be superseded, and annulled by a military force, have "discovered the greatest aversion to disorder and tumult." The third resolution declares that the alleged cause of the Governor's proclamation is insufficient, and that this act "ought to be considered as a disrespectful treatment of the Province, and an opposition to that reconciliation between Great Britain and the colonies, so ardently wished for by all the friends of both." The resolution concludes with the expression of a conviction that the Governor's proclamation affords "a further proof not only of his Excellency's disaffection towards the Province, but of the

necessity of its most vigorous and immediate exertions for preserving the freedom and constitution thereof."

It was then voted, "that the members do now resolve themselves into a Provincial Congress, to be joined by such other persons as have been or shall be chosen for that purpose, to take into consideration the dangerous and alarming situation of public affairs in this Province, and to consult and determine on such measures as they shall judge will tend to promote the true interest of his majesty, and the peace, welfare, and prosperity of the Province."

John Hancock was chosen chairman, and Benjamin Lincoln clerk, and the Congress was adjourned to Concord, to meet on Tuesday, October 11th. The vote by which they proceeded to the choice of a chairman and clerk was reconsidered on that day, and John Hancock was elected President, and Benjamin Lincoln Secretary.

The first act (October 13th) was a message addressed to Governor Gage, and sent by a large committee, stating those grievances which rendered it an imperious duty for the assembly then convened as delegates from the people, "to concert some adequate remedy for preventing impending ruin, and providing for the public safety." They appealed to the Governor, especially, whether it would not indicate "a state of insanity" to acquiesce in the hostile preparations making on Boston Neck, and entreated him "to remove that brand of contention, the fortress at the entrance of Boston." The Governor, in his reply, four days after the address was voted, treated the alarm of the inhabitants at the military preparations, as a thing of nought, and said that what they "call a fortress, unless annoyed, will annoy nobody." He concluded by warning them of the "rock they were upon," and required them "to desist from such illegal and unconstitutional proceedings." On the 20th of the same month, a replication to the Governor's answer to the address of the Congress was voted, containing nothing of supplication, and administering deserved rebuke to his Excellency for the "manifest insensibility and disregard" with which he had treated their "important applications."

In the following paragraph, we find a stronger expression of resentment, occasioned by the military preparations which threatened the peace of the Colony, than in any preceding public document.

“It must be matter of grief to every true Briton, that the honor of British troops is sullied by the infamous errand on which they are sent to America ; and whilst, in the unjust cause in which you are engaged, menaces will never produce submission from the people of this province, your Excellency, as well as the army, can only preserve your honor by refusing to submit to the most disgraceful prostitution of subserving plans so injurious and so notoriously iniquitous and cruel to this people.”

A feeling approaching to a revolutionary spirit had been rapidly gaining strength, from the time that British troops were stationed in Boston, before the recall of Governor Bernard ; at whose instigation it was then believed, and afterwards known, that they were sent. In town meetings of the citizens of Boston, it was condemned as violent and unconstitutional to quarter a standing army upon the citizens in time of peace. Instructions corresponding with this sentiment were given to the representatives. And when the representatives of the colony took their stand on the same ground, and besought the Governor to cause the troops to be removed to Castle Island, the irritation of the people was increased by the fact avowed by the Governor, that this standing army was not subordinate to the civil authority. In answer to all entreaties and complaints on this subject, he replied that he had no authority to interfere. It was not till after the insolence of the soldiers and the excitement of the people led to the affray which terminated in the death of several citizens, who were shot by the troops on the 5th of March, 1770, that any regard was paid to the expostulations of the people. The citizens of Boston then determined that they would not cease from their importunities, until the troops were removed. And though Governor Bernard had declined all action in the matter, for want of authority, the Lieutenant Governor, Hutchinson, (Bernard having now returned to England,) found that a way could be invented to cause that to be done, which he could not do himself. The troops were accordingly removed, for the time being, to Castle Island.

But, returning to the grievance of a standing army in time of peace, as viewed by the Provincial Congress, and their justification of their proceedings, as the representatives of the people, — we cannot forbear to present a passage from the

closing paragraph of their "replication" to the answer of Governor Gage to their address.

"The power placed in your Excellency, for the good of the province, to convene, adjourn, prorogue, and dissolve the General Court, has been perverted to ruin and enslave the province ; while our constituents, the loyal subjects of his Majesty, have been compelled, for the laudable purpose of preserving the constitution and therein their freedom, to obtain the wisdom of the province in a way which is not only justifiable by reason, but, under the present exigencies of the state, directed by the principles of the constitution itself, warranted by the most approved precedent and examples, and sanctioned by the British nation at the revolution ; upon the strength and validity of which precedent the whole British constitution now stands, his present Majesty wears his crown, and all subordinate officers hold their places."

The revolutionary ground is here firmly taken. It had been taken before less strenuously. It was taken virtually on all those occasions in which the representatives, without calling in question the supremacy of the Parliament, denied their authority to do a manifest wrong ; to pass acts oppressive to British subjects, who, though colonists, felt and claimed their right to equal privileges with the rest ; to tyrannize over them in any way inconsistent with their charter or the British constitution. Hence it was that they so often made such clear distinctions between the legitimate exercise of power and its abuse, and pleaded unanswerably their natural and unalienable rights, no less than their constitutional rights. As it had become impossible that the operations of the colonial government could any longer go on under its existing organization, the delegates of the people, in forming themselves into a Congress independent of executive power, were fully conscious that it might be regarded as a revolutionary measure, and did not shun the responsibility of an issue on that ground. They already regarded the army placed at the capital, which had been the means of keeping them so long from assembling in their legislative hall, as an enemy, though they had not yet branded it with that name. But all action in respect to military preparation, and all precaution for husbanding the means of the Colony, like all the previous war of words, were merely defensive. As yet they did not lisp the word independence, however often it must have been that

men of such wisdom and foresight could not fail to perceive that the final issue must be independence or submission.

The next day after their first address to the Governor, Congress passed a resolution, advising all collectors of taxes, and officers having "county moneys" or "province moneys" in their hands, not to pay them to Harrison Gray, the provincial treasurer, but that the collectors of taxes should observe such directions as should be given them by the several towns and districts by which they were chosen, and that officers, having province moneys in their hands, should retain them until the further advice of a provincial congress, or order from a constitutional assembly of the Province.

After this resolution was passed, on the eighth day of the session, Congress was adjourned to meet at Cambridge on the following Monday, October 17th. It was then that they received the answer of General Gage to the address of which we have spoken.

Next to the precautions taken to guard the money from passing into the adversary's fingers, they proceeded to choose a committee to inquire minutely into the state and operations of the army, and a committee to consider what was necessary to be now done for the defence and safety of the Province. These committees were composed chiefly of military men, as well they might be; for captains, majors, and colonels are the *prænomens* of a large portion of the members whose names appear in the record. Thus, for instance, "Captain Heath, Major Fellows, Colonel Thomas, Captain Gardner, and Colonel Pomeroy" constituted the first of the above-named committees. No less scrupulously does the record perpetuate the titles of Esquire and Deacon, all which, in these degenerate times, are merged in the common address of Mr., in the journals of our deliberative assemblies. We shall speak presently of the results to which these committees were led. In the mean time Congress was busily at work on various matters. Among the grievances of the Colony which excited great disaffection, was the appointment of counsellors by the King, in conformity to an act of Parliament changing the form of government, and violating the charter. Counsellors chosen by the representatives had often been set aside by the Governor's negative. This, though vexatious and matter of complaint, was tolerated. But the *mandamus* counsellors, as they were called, were looked upon by the

leading politicians with utter abhorrence. Congress having no authority but what was derived from influence on public opinion, or consonance with it, were not parsimonious in terms of reproach intended to nullify the authority of these unconstitutional advisers of the military governor. After a preamble, in which the acceptance of the appointment is pronounced to be detestable and disgraceful, it was resolved that the persons who had accepted the appointment "who shall not give satisfaction to this injured Province and continent, within ten days from the publication of this resolve, by causing to be published in all the Boston newspapers acknowledgments of their former misconduct, and renunciations of the commissions and authority mentioned, ought to be considered as infamous betrayers of their country." The names of those who should fail so to do, it was resolved, should be repeatedly published, "that the inhabitants of this Province, by having them entered on the records of each town as rebels against the state, may send them down to posterity with the infamy they deserve, and that other parts of America may have an opportunity of stigmatizing them in such way as shall effectually answer a similar purpose." It was further resolved, "that it be recommended to the people so far to forgive the obnoxious persons who shall have given the satisfaction required, as not to molest them for their misconduct."

These resolutions may appear vindictive ; but it must be considered that the object was not personal revenge, but an expression of uncompromising hostility to the office, — an office intended to second the operations of despotic power. Aware that they were not authorized to enforce their acts by pains and penalties, Congress sought the sanction of public opinion to give efficacy to their proceedings, and appealed to moral and patriotic feelings for producing mutual sympathy and energy of operation.

The malediction against a persevering *mandamus* counselor, therefore, may be regarded as a figure of speech, in which the officer is put for the office. Somewhat akin to this is the resolution soon after passed, denouncing *tea*, which, it will be perceived, is a little peculiar in its phraseology.

"Resolved, that this Congress do earnestly recommend to the people of this province an abhorrence and detestation of all kinds of East India teas, as the baneful vehicle of a corrupt

and venal administration, for the purpose of introducing despotism and slavery into this once happy country, and that every individual in this province ought totally to disuse the same."

Now, there were probably very few of the good patriots of that time, men or women either, who felt any abhorrence of tea, as such, and it became hateful only from the revolting associations which the naming or using of it brought into the mind. A *mandamus* counsellor might be a pleasant and refreshing companion, as pleasant and refreshing in common fellowship as tea is wont to be as a social beverage ; but the counsellor, regarded as a political assassin, and the tea as a poison of the body politic, were alike detestable.

We come now to the measures adopted for the defence of the Colony. The report of a committee previously appointed "to take into consideration what quantity of powder and ordnance stores are now necessary for the Province stock, and estimate the expense of the same," reported in detail on the 25th of October, when the report was accepted. The estimated expense was nearly twenty-one thousand pounds ; no small sum, at that time, for the beginning of military operations.

On the 26th of the same month, the committee before appointed "to consider what is necessary to be done for the defence and safety of the Province," made a report, which was accepted almost unanimously. The preamble sets forth the outrages of General Gage, particularly that of fortifying the capital against the country, seizing large quantities of ammunition in the arsenal at Boston, and committing to the custody of his troops, the arms, ammunition, ordnance, and warlike stores of all sorts provided for the use of the Province ; at the same time disregarding the assurance given by Congress of the pacific disposition of the people of the Province. The preamble also disclaims the intention of any offensive measures, adding, that Congress "will consider and treat all measures tending to prevent a reconciliation between Britain and the colonies as the highest degree of enmity to the Province." Still, as a point of prudence and self-defence against threatening evils, it was resolved, that a Committee of Safety be appointed, in order to watch for any movements that might be made to the injury of the Province, and clothed with authority to call out such portion of the militia as they should think necessary, in case the call should be required for the safety

and defence of the inhabitants. A thorough organization of the militia, and constant readiness for duty on the part of officers and soldiers, were earnestly recommended. The Congress then proceeded to choose commissaries and general officers. For "the chief command, Honorable Jedidiah Preble, Esquire, was chosen ;" for the "second in command, Honorable Artemas Ward, Esquire ;" for "the third in command, Colonel Pomeroy." A committee was appointed to sit in the recess, with instructions to prepare a plan for the most effectual regulation and discipline of the militia, with reference to the defence of the Province.

To carry into effect the recommendation formerly voted, — namely, that the taxes and provincial moneys not already paid to Harrison Gray, the treasurer of the province, should be withheld, — a Receiver-General was chosen. Honorable Samuel Dexter was elected, and being excused from serving, for reasons assigned by him, Henry Gardner, Esquire, was chosen.

Resolutions were passed approving of the "non-importation and non-consumption agreements" entered into by the greatest part of the inhabitants, and recommending it to the people to refuse to purchase any articles of those sordid merchants who continued to import goods as heretofore. Such parts of the various proceedings as were important for public information, or for their influence on public opinion and conduct, and not requiring secrecy, were from time to time ordered to be printed. After a session of twenty-three days, begun at Salem, adjourned to Concord, and then to Cambridge, the Congress adjourned on the 29th of October, to meet again at Cambridge on the 23d of November. Previous to the adjournment, the Committee of Safety, who were to sit during the interval, were desired to write to the Continental Congress, showing the grounds and reasons of the proceedings of the Provincial Congress, and to enclose a copy of its votes and resolutions.

After the Congress reassembled, they devoted themselves as before, with great constancy, to their important work. A committee was appointed to correspond diligently with Montreal and Quebec, in order to obtain information of movements in Canada. Resolutions were passed expressing thanks to the colonies which had by donations assisted the inhabitants of Boston, and further measures were adopted for their

relief. A delegation was chosen "to represent the Province at an American Congress to be held at Philadelphia" in May following. The persons chosen were John Hancock, Thomas Cushing, Samuel Adams, John Adams, and Robert Treat Paine; the same gentlemen (substituting John Hancock for James Bowdoin) who were elected by the House of Representatives in June of the same year, for the Continental Congress, whose session had closed October 26th.

On the 5th of December, resolutions were passed by the Provincial Congress approving the doings of the General Congress, — such as the "American Bill of Rights," the exposition of the "ruinous and iniquitous measures, which, in violation of their rights, at present convulse and threaten destruction to America," and "the judicious plans adopted for defeating them;" and expressing grateful acknowledgments to "the truly honorable and patriotic members of the Continental Congress, for their wise and able exertions in the cause of American liberty." It was the purpose of these resolutions to strengthen the hands of the General Congress by the only sanction which made their proceedings valid, namely, public opinion. Another means to promote the same end was an address to "all the ministers of the gospel in the province;" in which address the Congress recommend to them to assist in averting slavery, "by advising the people of their several congregations" to abide by the resolutions of the Continental Congress, "as the most peaceable and probable method of preventing confusion and bloodshed, and of restoring harmony between Great Britain and the colonies."

Public attention was called to the importance of agriculture, domestic manufactures, and economy, with considerable minuteness in the resolutions that were passed. The recommendations contained in these resolutions had regard to subsistence and defence, and were prompted by the wise desire of rendering the Province as independent as possible of foreign countries, and especially of England. For the purpose of carrying these resolutions into effect, it was recommended that associations should be formed for introducing such arts and manufactures as could not be established by individual effort. At the same time, the people were exhorted to give the preference to colonial manufactures over those of other countries.

Among the last acts of this Provincial Congress, was the adoption of an Address to the People, reported by the committee on the state of the Province. It is temperate and dignified. If the wise men from whom it proceeded used fewer expressions of loyalty than on some former occasions, they still professed to have "confidence in the wisdom, justice, and goodness of the sovereign, as well as the integrity, humanity, and good sense of the nation;" believing that the royal ear had been abused, and the nation led astray by falsehood and calumnies proceeding from the malignant enemies of the Colony. Aware of all the difficulties of the Province and its miserable preparations for defence, with the true moral sublimity of men bearing up under burdens which threaten every moment to sink them, they averred, "with the utmost cheerfulness," their "determination to stand or fall with the liberties of America." In correspondence with this spirit they exhorted the people to prepare for the dangers which threatened them, and to comply with the provisions for military defence already recommended by the acts of the assembly.

The whole period of the sessions of this Congress, whose journal is filled with many important records, besides those of which we have given an imperfect outline, was but forty-one days. Having exceeded, as that assembly supposed, the time which the people thought would be necessary for the continuance of the session, it was voted on the 10th of December, 1774, after the passage of a resolution recommending to the towns and districts to choose delegates to represent them in a Provincial Congress, to be held at Cambridge, on the first day of February next ensuing, that this Congress be dissolved.

A very large proportion of the members who composed the first Congress, were returned to the second. John Hancock was again chosen President, and Benjamin Lincoln Secretary. The same calmness and energy of action which marked the proceedings of the former Congress, were manifested in this. Many of the acts then passed were revised and matured. The duties of the Committee of Safety were prescribed more specifically, their powers were increased, and motives were presented to the militia and the body of the people, and urged upon them, to insure their compliance with the requisitions of the Committee. It was made the

duty of the general officers, with their subalterns, and so many of the militia as might be required by that committee to assemble, “effectually to oppose and resist such attempts as shall be made for carrying into execution, by force, an act of the British Parliament, entitled ‘an Act for the better regulating the Government of the Province of the Massachusetts Bay, in New England.’” The “inhabitants of Massachusetts Bay” were again addressed as “friends and fellow-sufferers,” instructed in their rights and duties, warned of their dangers, and exhorted to adhere, as they hitherto had done, to the resolutions of the general and the provincial Congress, whose acts are founded on the authority delegated by the people. Strong appeals were made to the patriotic feelings of the militia, on the principle of self-defence, exhorting them to be in constant readiness to meet any attempt that might be made to attack them by surprise. Encouragements were offered for the manufacture of materials and implements of war. Committees of Correspondence were chosen to communicate with other colonies, in order to insure unity of feeling and action.

In the progress of the session it was deemed necessary to go beyond mere exhortations for securing sufficient aid from the militia for self-defence; and accordingly a series of “Rules and Regulations for the Massachusetts Army” was reported by a committee chosen for that purpose, and adopted. Besides what pertains solely to military discipline, to the relative powers and duties of officers and soldiers, to the extent and limitations of authority prescribed for the officers, and the corresponding laws of obedience laid down for the direction of privates, the regulations extended also to their moral and religious duties; to their attendance at religious worship; to the prohibition of profane swearing, of quarrels and frays, and of duels, which were made penal offences, the penalty being left to the discretion of a court-martial.

In the adoption of these rules and regulations the voice of authority comes in place of entreaty. By the choice of delegates to a second Congress, the people had virtually reposed in them all the power that the exigencies of the times demanded. Delegates were appointed to report to Connecticut, Rhode Island, and New Hampshire, to inform the authorities of those colonies of the preparations making in Massachusetts for raising and establishing an army. County

Committees were chosen, whose duty it should be to meet at stated times, and ascertain from the Committees of Correspondence of the several towns, whether they had executed the measures adopted by Congress for preserving the liberties of the country.

On the 15th of April, 1775, the Provincial Congress adjourned to the 10th of May following. On the 19th of April, in the same year, the march of the British troops to Concord took place, the fatal consequences of which are well known. But on the day previous to this, a committee of Congress, constituted of members in several of the towns nearest to Boston, and clothed with discretionary power to call a meeting of that body before the 10th of May, sent messengers with a request for the immediate attendance of the members. This call was occasioned by intelligence received of a reinforcement of British troops having sailed, and by "the preparation making by the troops in Boston for a march into the country."

Congress met at Concord on the 22d of April, and adjourned to Watertown. On the afternoon of the same day, "Mr. Gerry, Colonel Cushing, Colonel Barrett, Captain Stone, Doctor Taylor, Mr. Sullivan, Mr. Freeman, Mr. Watson, and Esquire Dix," were chosen "a committee to take depositions *in perpetuum*, from which a full account of the transactions of the troops under General Gage, in their route to and from Concord, &c., may be collected, to be sent to England by the first ship from Salem." Dr. Church, Mr. Gerry, and Mr. Cushing were appointed a committee to draw up a narrative of the massacre at Lexington. The depositions taken established the important fact, that the British troops, besides making the first hostile movement, committed the first fatal act of hostility, by which eight men were killed and several wounded, on the plain of Lexington. An account of this "tragedy" was immediately sent to Dr. Franklin, the agent of the colonies at London, together with an address to the "Inhabitants of Great Britain," who were invoked, as "friends and fellow subjects," to think upon the wrongs inflicted on the Colony, to afford their sympathy, and lend their aid in changing the counsels of the nation. In this address the Congress still affirm that they are loyal and dutiful subjects of their royal sovereign; but, they add, "to the persecution and tyranny of his cruel minis-

try we will not tamely submit. Appealing to Heaven for the justice of our cause, we determine to die or be free." The agent was requested to give the utmost possible publicity to this address, and to the other papers transmitted to him; thus furnishing evidence of their consistency, and affording proofs of what the people by their representatives had always professed and practised upon, — namely, that their measures and modes of resistance to oppression were wholly defensive.

The next day after the Congress reassembled, — Sunday, April 23d, — it was resolved, that it was necessary that an army of thirty thousand men should be raised immediately, for the defence of the colony; and that thirteen thousand should be raised immediately by the Province of Massachusetts. It is sufficient to add, that the principal business now consisted in provision for defence. The resources of Massachusetts in men and money, and the various instruments and materials and supplies of war, claimed the principal attention of the assembly, and to those things their inquiries and acts were chiefly confined. The assistance of the other New England states was sought, and a ready coöperation took place. Early in May, after the Continental Congress were assembled, the Provincial Congress communicated their doings to that body, praying for approbation as well as for direction and assistance. To prevent the "enemies to the rights of mankind and the interest of America," or, in shorter language, the *tories*, as they were popularly called, from thwarting the general will, it was recommended to the authorities of the towns, that all such enemies to the country should be disarmed, and that no inhabitants, preparing to move their goods to Nova Scotia or elsewhere, in order to avoid the burdens incurred for the defence of the Province, should be permitted to convey them without authority from the Committee of Correspondence or the Selectmen of the town. No countenance was given to injurious assaults on their persons or property.

In the course of the session, the Continental Congress was again addressed with particular reference to the government of the Colony. Compelled to raise an army for its defence, and holding it to be a fundamental principle in free governments that the sword should be subject to the civil power, the Provincial Congress prayed for advice respecting the institution of a local government, on such a plan as should best promote the interests of Massachusetts and the general good of the

colonies. A resolution in answer to this request was passed by the Continental Congress, June 9th, after the third Provincial Congress had met, in which it is declared that no obedience is due to the act of Parliament altering the Charter of Massachusetts, or to the governor acting under it; that "the Governor and Lieutenant-Governor are to be considered as absent, and their offices vacant;" that in the existing state of the Colony it is best that representatives should be chosen by the towns, in obedience to a precept issued by the Provincial Congress; that the representatives so chosen should elect counsellors; "which assembly and council shall exercise the powers of government, until a governor of his Majesty's appointment will consent to govern the colony according to its charter."

We have said that injurious assaults on the persons or property of the internal enemies of the Colony were not countenanced by the Provincial Congress. This, though true in its most obvious import, may need some qualification; for, as the revolutionary spirit waxed warmer, they declared those who are inimical to the colony, among whom they named by way of eminence the *mandamus* counsellors, to be so odious, that "every friend to mankind ought to forsake and detest them, until they shall give evidence of sincere repentance;" and not only so, but they decreed that "no person within the colony shall take any deed, lease, or conveyance whatever of the lands, houses, or estates of such persons." But no encouragement was given for personal violence, such as was sometimes indulged by a portion of the people.

Among the important acts of this session was the issuing of paper money, in notes of various denominations, payable in one year, with interest at the treasury, and receivable at the treasury for all payments. They were also declared to be a legal tender. The ultimate results of the paper-money system, without any substantial basis, is well known. The notes of which we here speak were issued for the advance payments of the army, the whole sum not to exceed twenty-six thousand pounds. Towards the close of the session, it was announced in an address of Congress to the inhabitants, that subscriptions were opened for a loan of one hundred thousand pounds, for which the treasurer was authorized to issue notes payable with interest, at six per cent. per annum, in two years; and all who had means were earnestly entreated to lend

their money for the defence of the Province, in default of which, they might not only lose their property but their liberties.

The second Congress was dissolved on the 29th of May, and the third assembled on the 31st of the same month, in 1775, at Watertown. The Honorable Joseph Warren was chosen President, and Samuel Freeman, Secretary.

Besides the details of business relating to the defence of the Province, measures were adopted for conciliating the Indians of various tribes, and for acting in concert with the other New England colonies for mutual protection by military force. On the 12th of June, General Gage issued a flaming proclamation, declaring the Province to be in a state of rebellion, and offering, in his Majesty's name, pardon to all who should lay down their arms and become peaceful subjects ; " excepting only from the benefits of such pardon SAMUEL ADAMS and JOHN HANCOCK, whose offences are of too flagitious a nature to admit of any other consideration than that of condign punishment." After proclaiming " law martial," since it had become impracticable to administer the law of the land, he promised, in his peroration, lasting benefits to all who should manifest their allegiance to their king. On the 16th of June, a proclamation was prepared and accepted by Congress, and ordered to be printed and published through the Colony, in which they state the steps taken by the Colony in defence against aggression, and in their turn declare all persons who shall give any aid or relief, or hold any communication with General Gage, Admiral Graves, or the army or navy &c., " to be enemies and traitors to their country, and that they shall be treated as such." Pardon was offered to all " offenders against the rights and liberties of the country, excepting only Thomas Gage, Samuel Graves, those counsellors who were appointed by *mandamus* and have not signified their resignation, and all the natives of America, not belonging to the navy or army, who went out with the regular troops on the nineteenth of April last, and were countenancing, aiding, and assisting them in the robberies and murders then committed ; whose offences are of too flagitious a nature to admit of any other consideration than that of condign punishment."

The battle of Bunker Hill took place on the next day, consequently before this proclamation could have been published. The day following the battle, — Sunday, — it was ordered " that the records and papers of the Provincial Congress be

secured by the Secretary, and that the committee of supplies procure a horse for the Secretary, to be ready for any emergency." No direct notice of the battle appears in the journal of that day. On the morning of the 19th, it was resolved "that three o'clock, P. M., be assigned for the choice of a president of this Congress in the room of the Honorable Joseph Warren, supposed to be killed in the late battle of Bunker Hill." The Honorable James Warren was elected. A summary account of the battle, as reported by a committee chosen for the purpose, was adopted on the same day, to be communicated to the Continental Congress.

A resolution was passed on the 26th of June, for a respectful reception of General Washington, who had been appointed Commander-in-chief of the American forces; and of General Lee. After they arrived, they were respectively addressed by Congress on the first day of July, and appropriate replies were made by them. A committee had been appointed to receive them at Springfield, and escorts provided at that place to their head-quarters at Cambridge. The whole business was conducted with great simplicity and economy, and the expenses amounted to twenty-eight pounds, five shillings and ten pence, lawful money.

The business of the session was brought to a close on the 13th of July, at which time the assembly adjourned to the 19th. Letters had been previously sent to the several towns, requesting them to return representatives, "to serve in a great or general court, or assembly, to be held at Watertown on the last-named day." But during the six days' recess of Congress, it was thought prudent to authorize the Committee of Safety, on any day before that term should expire, to summon, if necessary, forty at least of the members of the body who could be most expeditiously assembled. No call being made, the assembly came together on the 19th of July, when the Congress was dissolved.

The records of this session fill two hundred and twenty-two closely printed pages in large octavo, and the matters recorded are chiefly minute details of business relating to the organizing, equipping, and supplying of the army. It is impossible, without going further into this detail than our limits will allow, to convey to our readers an adequate idea of the embarrassments and perplexities by which this assembly was met at every turn. It was composed, indeed, of the representatives

of the people, but without instructions, and without constitutional limits to mark the boundaries of their authority. The highest penalty they could inflict was that of consigning over the offender to popular indignation, which in times of excitement might degenerate into popular violence, however much it was discountenanced. The very absence of civil government tended to lawless trespasses, and in some parts of the Colony there were strong symptoms of degeneracy. Every appeal to public opinion and feeling was intended to be an appeal to the virtue and patriotism of the people. Such an appeal, in almost any other community, would have been a feeble sanction of the laws. Here, though sometimes abused, it was a powerful sanction, and the degree of its success was wonderful. Nothing but the determination of the people to sacrifice, if need were, their lives and fortunes in the cause of freedom, a determination so often reiterated, by their representatives, could have enabled those, who acted under responsibility, so steadily to look devastation and death in the face. Without a constitutional government, with no revenues, with no power to pledge the faith of those who, under another form of administration of public affairs, might come after them, every recommendation or decree proceeding from a body acting with undefined authority, was a matter of voluntary observance, except when the timid were made to submit to the resolute, and the dissenting few were overawed by the zeal of the many.

To the want of money was added the want of the instruments and materials of war. Guns without bayonets or powder, were no better than clubs ; and such was the deficiency of powder, that, after ascertaining the quantity in the several towns, it required all the ingenuity of Congress to apportion it so as to do justice to the inhabitants of different parts of the Colony, exposed to invasion. The frugality required for its preservation was manifested in the orders given by the Congress to General Ward, commander-in-chief of the Massachusetts forces, concerning his reception of Washington ; namely, that every thing should be done that was required by military respect, "without, however, any expense of powder." An example of the ingenuity of this Congress in increasing weapons of defence, which we adduce in this connexion, would be amusing, were it not for the gravity of the subject. On the 24th of June, a week after the battle of

Bunker Hill, "Colonel Porter was appointed to procure a scythe, and carry it to a blacksmith to be fixed for a spear in such a manner as he thinks fit, and bring it before this Congress when fixed;" thus inverting the description of that happy prophetic period, when spears shall be turned into pruning-hooks.

We have much exceeded the length to which we expected to extend our account of the doings of the Provincial Congresses; and we have found it a more difficult undertaking to make such a use of the massy materials as we intended, than it was foreseen to be. Though our business has been mainly with facts, we could not have failed to show our sympathy with the patriots of the revolution in the Colony of Massachusetts, even had a period of twenty generations passed, instead of two. It is not that we look with complacency upon civil war, or war between independent nations: they are both among the abominations which our soul hateth. In civil contests, however, there are impediments to the adjustment of matters in controversy, which do not exist in regard to disputes between nations. Those who form the aggrieved party make known their real or supposed injuries as petitioners and suppliants. The authority to which they appeal, claims to be the sole judge of right; the submission to an arbiter of a dispute between the sovereign and his subjects is a measure foreign to the relations of the parties. The sovereign parts with no portion of his power without grudging; and what is obtained from him, being in a manner extorted, is usually just enough to allay present discontent. Nothing of prerogative being yielded, it is retained to be exercised in another form equally hateful or oppressive. Such was the mistaken policy of the British sovereign in regard to Massachusetts and her sister colonies. The people of Massachusetts were peaceably disposed, as well as patriotic and religious. They stood for their rights as British subjects, and no other; their patriotism was the patriotism of British subjects, and no other, until they were alienated by denial of justice. Their patriotism was sanctified by religion. They were in prayers oft, and in fastings oft, under a full faith in divine providence. The people were drawn by the force of circumstances, into a defensive war, which they dreaded for its foreseen disastrous consequences. We say, the people; for with them rested the decision between unqualified submission and forcible resist-

ance. As confident as we are that war can be avoided, and will more and more be avoided, in the world, as governments become more firmly fixed on constitutional principles and equality of popular representation, we cannot find an application of any such casuistry to the war of defence on the part of Massachusetts and the colonies ; believing that to the distinguished patriots who carried out the will of the people in their struggle for civil liberty, it was not permitted, in faithfulness to their trust and their consciences, to avoid an issue destined to form such a remarkable era in the history of nations.

ART. II. — *The Builder's Guide, illustrated by Sixty-six Engravings, which exhibit the Orders of Architecture, and other Elements of the Art ; designed for the Use of Builders, particularly of Carpenters and Joiners.* By ASHER BENJAMIN, Architect, Author of "The American Builder's Companion," "The Rudiments of Architecture," &c. &c. Third Edition. Boston. Perkins & Marvin. 4to. pp. 83.

THIS work is a treatise upon certain branches of architecture suited to the wants of builders and mechanics, and especially of such as cannot consult with an architect. It is full of hints to those unacquainted with the science of construction, and of excellent designs for those who have not known and cultivated it as an elegant art. The first part of the book is occupied with descriptions and drawings of the Etruscan and the Grecian orders, the measurements and proportions of which are taken from the most approved models ; the succeeding part gives directions and designs for rooms, windows, doors, fireplaces, cornices, porticoes, balconies, and all the other constituent parts of our domestic architecture ; and remarks on the subject of carpentry conclude the treatise. It is executed with exemplary suitableness to its object. The text is clear and simple in its style, and the illustrations are quite as neat and beautiful as those of any similar European work. It is, perhaps, a little too brief ; especially in its instructions and admonitions to young mechanics. Such experience as that of the author, might be made of great advan-